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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,291	10/11/2001	Cheryl Crozier Compton		9797

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EXAMINER

LONEY, DONALD J

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 08/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/975-291

Applicant(s)

Compton et al

Examiner

D. Loney

Group Art Unit

1772

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on April 29, 2003.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-21 is/are pending in the application.
- Of the above claim(s) 14-21 is/are withdrawn from consideration.
- ☒ Claim(s) 12 and 13 is/are allowed.
- ☒ Claim(s) 1-11 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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1. Applicant's election with traverse of Group I in Paper No. 3 is acknowledged.

The traversal is on the ground(s) that only one frame would be made in a one shot molding. This is not found persuasive because both (i.e., two frames can be molded together in a one shot molding process.

The requirement is still deemed proper and is therefore made FINAL.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, last two lines, it is unclear as to how the first and second frames can be joined about their entire perimeter. It would appear only one side (24 in Fig. No. 4) of each could be joined. The examiner is making this rejection in order to establish what the applicant considers the perimeter. In claim 1, lines 4 to 5 and 8 the frame is recited as encapsulating said perimeter of the panels which the examiner deems as enclosing the edge and both inner and outer sides of the perimeter as shown in Fig. Nos. 4-8. Also from Fig. No. 5 and claim 2 a desiccant channel is recited which would not enable the frames to be jointed about their entire perimeters. Clarification is kindly requested.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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5. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 6 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Sylvan.

Sylvan teaches a glazing unit wherein each pane (22) is encapsulated by sash (20) about its entire perimeter. The sashes are then joined together. Refer to Fig. Nos. 7-9. Number 40 in Fig. Nos. 8 and 9 can be considered the desiccant channel of instant claims 2 and 11. The examiner notes that claim 6 does not require the entire perimeter to be encapsulated. The frame therefore can be located on just one side of the panel or just the edge thereof.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3, 7, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sylvan in view of Guhl et al.

Sylvan teaches the invention substantially as recited except for the plastic and welding limitations. Sylvan teaches a wood frame.

Guhl et al teaches a frame on a glazing unit can be either wood or plastic and sections can be welded together. Refer to column 3, lines 25-30 and 62-66.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to Sylvan to form the frame of plastic, as taught by

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Guhl et al, in order to form a plastic frame there from motivated by the fact that Guhl et al teaches it is known to use either wood or plastic for the frame.

9. Claims 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Plumat et al.

Plumat et al teaches as glazing unit wherein the two panels (19, 20) have a frame (21, 22) molded there about that is connected by welding strip 23. Refer to Fig. No. 5 along with column 7, lines 47-57.

10. Claims 6, 9, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Stanley et al.

Stanley et al teaches a glazing unit wherein the panels (100, 105) are connected by two plastic frames (107, 110) with rib member 110A from one frame engaging the corresponding recess of second frame member. Refer to Fig. Nos. 1, 2A, 3A, 4 and 5. Vent hole 140, which is plugged by stopper 141, can be considered the desiccant channel. This rejection has note been applied to claim 1 since the entire perimeter is recited as encapsulated by the frame wherein column 6 does not require such.

11. Claims 4 and 5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

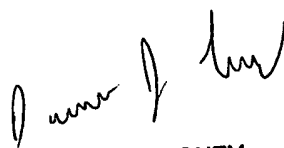
12. Claims 12 and 13 are allowed.

13. Any inquiry concerning this communication should be directed to D. Loney at telephone number 703-308-2416.

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D. Loney/mn
July 22, 2003


DONALD J. LONEY
PRIMARY EXAMINER